

REMARKS

Applicant elects to prosecute claims 1-41 (Invention I). This election is made with traverse.

The Examiner alleges that the subject matter of Invention I (claims 1-41) and Invention II (claims 42-59) are distinct from each other. The Examiner also takes the position, pursuant to MPEP § 806.05(d), that Invention I and II are related as subcombinations disclosed as usable together in a single combination and are distinct from each other because the subcombinations allegedly have separate utility.

The restriction is legally improper because the Examiner has not satisfied the burden of showing that the subcombinations have separate utility. The Examiner alleges that Invention I is “drawn to a method for processing a transaction” and that Invention II is “drawn to a particular entity to make purchases from a vendor.” The Examiner further alleges that “invention II has separate utility such as processing transaction and entity to make purchases from a vendor.” See Office Action at pg 2.

Applicant disagrees with the Examiner’s characterizations. Invention II is not “drawn to a particular entity to make purchases from a vendor.” Rather, like Invention I it is drawn to a method and more particularly to “a method for allowing a user to use private currency provided by a particular entity to make purchases from a vendor.” A purchase is a type of transaction, not a subcombination. The Examiner’s mischaracterization of the claim as being drawn to “an entity” is an improper, selective mischaracterization of claim 42.

The Examiner fails to properly demonstrate a separate utility between Invention I and II. That is, the method for processing a transaction and the method for allowing a user to make a purchase transaction from a vendor do not have separate utilities. Applicant submits that both inventions (I and II) have similar utilities. Namely, they are used for processing a purchase transaction involving participants that do not support the same currency.

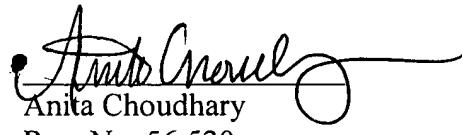
In addition, claims 1 and 42 have similar elements, e.g., decrementing an amount of the first; incrementing the amount in the second, and pay for the purchase using the amount of the second. Clearly, the Examiner has failed to demonstrate that claims 1-41 and 42-59 are subcombinations or that they have separate utility. Therefore, for at least this reason, this restriction requirement is legally improper and must be withdrawn.

Furthermore, Applicants respectfully submit that the search and examination required for any Invention I necessarily includes the search and examination required for Invention II. Specifically, Invention I and II are related to processing a purchase between two participants that do not support the same currency. Therefore, it is respectfully submitted that any search designed to identify documents relevant to the patentability of Invention I will employ the same or similar search terms and techniques as Invention II and, therefore, yields the same or similar documents as a search designed to identify documents related to Invention II. As a result, the criteria for a proper restriction requirement have not been satisfied. Accordingly, Applicants respectfully submit that the Restriction Requirement is unnecessary and improper.

In view of the foregoing remarks, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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